

EXHIBIT A



Lisa Mitchell <Lisa.Mitchell@oag.texas.gov>
to Rachel, me, Ryan, Matt, Aidan ▾

Fri, Jun 28, 3:01 PM ☆ ↶ ⋮

Counsel,

Now that the administrative record has been filed, we should start discussing a briefing schedule for this case. Please let us know what you have in mind on timing and approach so we can discuss and then perhaps present a schedule to the Court.

I will be out of the office next week but will be back July 8 and will be back in touch then.

Thanks,

Lisa

Lisa McClain Mitchell

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Rae Lovko <rlvko@greenfirelaw.com>
to Lisa, Rachel, Ryan, Matt, Aidan

Jun 28, 2024, 3:48 PM

As regards the administrative record, there are a number of documents missing before it should be considered complete. Attached is a list of documents that are identified in either the DEIS or FEIS but which are not part of the record. Can you please supplement the administrative record to include these? In addition, the administrative record contains comment letters and emails but does not contain attachments that accompanied these comments. For example, Rethink Austin attached a significant number of documents pertaining to air pollution, health hazards, and more. All attachments should be included in the administrative record.

Please let me know if you are willing to add these documents. We can thereafter address a briefing schedule.

Much appreciated,

Rae

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DOCUMENT	REFERENCED
2016. Practitioner's Handbook #12 Assessing Indirect Effects and Cumulative Impacts under NEPA. https://environment.transportation.org/wp-content/uploads/2021/05/ph12-2.pdf . Accessed 7 September 2, 2022.	in DEIS - p 467
Capital Area Metropolitan Planning Organization. 2020. CAMPO Baseline 2045 Demographic Forecast.	in DEIS - p 467
Capital Area Metropolitan Planning Organization. 2020. Regional Transportation Plan 2045.	in DEIS - p 467
Centers for Disease Control and Prevention. 2022. "National Environmental Public Health Tracking Network - Info By Location," 2022. http://ephtracking.cdc.gov/InfoByLocation/ . Accessed September 7, 2022.	in DEIS - p 468
Council of Environmental Quality. 1997. Environmental Justice: Guidance Under the National Environmental Policy Act. October 19, 2021. https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_c_eq1297.pdf .	in DEIS - p 468
City of Austin. 1985. Municipal Maintenance Agreement.	in DEIS - p 468
City of Austin. 2013. Multiple Use Agreement.	in DEIS - p 468
City of Austin. 2018. Imagine Austin Comprehensive Plan. https://www.austintexas.gov/sites/default/files/files/Imagine_Austin/IACP_2018.pdf . Accessed April 27, 2022.	in DEIS - p 468
City of Austin. 2018. Resolution to Adopt Right to Stay and Right to Return Programs for East Austin.	in DEIS - p 468
City of Austin. 2021. Non-Hispanic Black Geographic Distribution by Census Tract.	in DEIS - p 469
City of Austin. 2021. Hispanic/Latino Geographic Distribution by Census Tract.	in DEIS - p 469
City of Austin. n.d. Historic Review Process Chart: Demolition and Relocation Permit Applications	in DEIS - p 469
City of Austin. n.d. Nothing About Us Without Us. https://www.austintexas.gov/sites/default/files/files/Housing_&Planning/Equity%20Tool/Nothing%20About%20Us%20Without%20Us%20Racial%20Equity%20Anti-Displacement%20Tool_Final.pdf .	in DEIS - p 469
EPA. 2022. Global Greenhouse Gas Emissions Data. February.	in DEIS - p 470
EPA. 2022. Climate Change Indicators: Greenhouse Gases. April.	in DEIS - p 470

EPA. 2022. "EJScreen Report (Version 2.0) the User Specified Area TEXAS, EPA Region 6," https://ejscreen.epa.gov/mapper/ejscreen_SOE.aspx .	in DEIS - p 470
EPA. 2022. "National Air Toxics Assessment". https://www.epa.gov/national-air-toxics-assessment . Accessed October 10, 2022.	in DEIS - p 470
Executive Order 13985 of January 20, 2021.	in DEIS - p 470
Executive Order 13990 Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis.	in DEIS - p 477
Executive Order 14008 Tackling the Climate Crisis at Home and Abroad. January.	in DEIS - p 477
HHM, Inc. 2000. City of Austin, Texas – Historic Resources Survey of East Austin. Prepared for the City of Austin, December 2000. https://www.austintexas.gov/edims/document.cfm?id=242864 .	in DEIS - p 470
HHM, Inc. 2004. Interstate Highway 35 Corridor, Austin, Travis County, Texas, Historic Resources Investigations, Intensive-Level Surveys, Segments 1-4. Prepared for the Texas Department of Transportation, 2004.	in DEIS - p 470
HHM, Inc. 2016. City of Austin Historic Resources Survey: Final Report, Volumes I-V. Prepared for the City of Austin, October 2016. https://www.austintexas.gov/page/historic-survey# .	in DEIS - p 470
Tang, E. & Ren, C. 2014. Outlier: The Case of Austin's Declining African-American Population. The Institute for Urban Policy Research & Analysis. The University of Texas at Austin. https://www.ebony.com/wpcontent/uploads/2014/08/Austin20AA20pop20policy20brief_FINAL.pdf . Accessed September 2, 2022.	in DEIS - p 472
Texas Commission on Environmental Quality. 2015. MOVES2014 On-road Trend Emissions Inventories for 1990 to 2050. https://www.tceq.texas.gov/airquality/airmod/project/pj_report_mob.html . Accessed June 8, 2021.	in DEIS - p 473
Texas Department of Transportation. 1994. IH 35 Design Concepts through Austin. Austin District. Advanced Project Development. July 11, 1994.	in DEIS - p 473
Texas Department of Transportation. 2011. I-35 Advisory Committee Plan. August 2011. https://ftp.txdot.gov/pub/txdot-info/my35/advisory_plan.pdf . Accessed October 21, 2022.	in DEIS - p 473

Texas Department of Transportation. 2014. I-35 Future Transportation Corridor Planning and Environmental Linkages Study. TxDOT Austin District. https://ftp.txdot.gov/pub/txdot/my35/capital/projects/sh45n-sh45se/final-report.pdf . Accessed February 19, 2021.	in DEIS - p 473
Texas Department of Transportation. 2018. Technical Report. Statewide On-Road Greenhouse Gas Emissions Analysis and Climate Change Assessment. October. https://ftp.txdot.gov/pub/txdot/get-involved/sat/loop-1604-from-sh16-i-35/091020-greenhouse-gas-report.pdf .	in DEIS - p 473
Texas Department of Transportation. Air Quality Toolkit. https://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/air-quality.html .	in DEIS - p 474
Tretter, E. 2012. Austin Restricted: Progressivism, Zoning, Private Racial Covenants, and the Making of a Segregated City. The University of Texas at Austin, University of Texas Libraries. https://repositories.lib.utexas.edu/handle/2152/21232 .	in DEIS - p 475
USDOT. 2012. FHWA Order 6640.23A – FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. October 19, 2021. https://www.fhwa.dot.gov/legregs/directives/orders/664023a.cfm .	in DEIS - p 475
USDOT. 2015. Environmental Justice Reference Guide 2015. October 19, 2021. https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/index.cfm .	in DEIS - p 475
USDOT. n.d. "Transportation Equity." https://www.planning.dot.gov/planning/topic_transportationequity.aspx . Accessed August 1, 2022.	in DEIS - p 475
University of Texas at Austin. 2018. Uprooted: Residential Displacement in Austin's Gentrifying Neighborhoods and What Can Be Done About It. September 28, 2021. https://sites.utexas.edu/gentrificationproject/austin-uprooted-report-maps/ .	in DEIS - p 476
University of Texas at Austin Center for Transportation Research. "IH-35 South Environmental Justice Assessment." https://my35capex.com/projects/i-35-capital-express-south/ . Accessed August 1, 2022.	in DEIS - p 476
Urban Land Institute. 2020. The I-35 Corridor Austin, Texas: A ULI Advisory Services Panel Report. https://downtownaustin.com/wp-content/uploads/2020/05/ULI-ASP_Report_Austin_I-35_FINAL.pdf . Accessed September 2, 2022.	in DEIS - p 476

WRT. 2015. Imagine Austin Comprehensive Plan as amended 2015. https://www.wrtdesign.com/work/imagine-austin .	in DEIS - p 477
Zehr, D. 2015. Inheriting Inequality. Austin American Statesman. https://projects.statesman.com/news/economic-mobility/ .	in DEIS - p 477
CapEx. "VOICES Presentation." July 6, 2021.	in App T to FEIS - p 29
Reconnect Austin and Black and Vernoooy Architecture and Design. "Reconnect Austin: Reimagining I-35." November 2020.	in App T to FEIS - p 29
Rethink35. Website. https://www.rethink35.com/ , retrieved June 28, 2021.	in App T to FEIS - p 29
Downtown Austin Alliance. A New Future for I-35: A Community Project for Enhancing the Public Realm. Opportunities and Constrains Report, September 2020.	in App T to FEIS - p 29
City of Dallas. Operations and Maintenance Agreement. Woodall Rodgers Deck Plaza Facility. CSJ: 0196-07-027; 0196-07-029. July 2009.	in App T to FEIS - p 29
Tim Lomax, Phil Lasley, David Ellis, Bill Stockton, et al. Mobility Investment Priorities Project. Texas A&M Transportation Institute, October 2013. http://tti.tamu.edu/documents/TTI-2013-25.pdf , retrieved June 28, 2021.	in App T to FEIS - p 29
Texas Department of Transportation. Unified Transportation Program. https://www.txdot.gov/inside-txdot/division/transportation-planning/utp.html , retrieved July 29, 2021.	in App T to FEIS - p 29
Texas Department of Transportation. "Deck Parks in Dallas: A Look at Funding." PowerPoint presentation, April 1, 2021.	in App T to FEIS - p 29
TxDOT. March 2023. Environmental Guide: Volume 2 Activity Instructions.	in App P to FEIS - p 1



Lisa Mitchell <Lisa.Mitchell@oag.texas.gov>
to Catherine, me, Rachel, Ryan, Matt, Aidan ▾

Hello,

Our client has reviewed your email and the attachment and offers the following responses.

"As regards the administrative record, there are a number of documents missing before it should be considered complete. Attached is a list of documents that are identified in either the DEIS or FEIS but which are not part of the record. Can you please supplement the administrative record to include these?"

- DEIS pages 467-70 and 472-77: TxDOT will not be supplementing the administrative record with these documents as those documents are not decisional, are available from third parties, and their inclusion would create an unnecessarily voluminous administrative record.
- FEIS Appendix T: TxDOT will not be supplementing the administrative record with the materials included in Appendix T, as they are not decisional, they are attachments to a document prepared by the Texas Transportation Institute, the materials are available either online or from third parties, and their inclusion would create an unnecessarily voluminous administrative record.
- FEIS Appendix P: TxDOT will supplement the administrative record with its March 2023 Environmental Guide: Volume 2 Activity Instructions.

"In addition, the administrative record contains comment letters and emails but does not contain attachments that accompanied these comments. For example, Rethink Austin attached a significant number of documents pertaining to air pollution, health hazards, and more. All attachments should be included in the administrative record."

- TxDOT will add these documents. TxDOT anticipates it will take approximately one month to gather these documents and prepare a supplement to be filed with the court.

Lisa

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